

**From:** Eric Ries  
**To:** Microsoft ATR  
**Date:** 12/14/01 1:12pm  
**Subject:** Microsoft Settlement

Renata Hesse, Trial Attorney  
Suite 1200  
Antitrust Division, Department of Justice  
601 D Street NW  
Washington, DC 20530

Thank you for this opportunity to comment on the recent proposed settlement in the Microsoft antitrust case. As a member of the computer software industry, I am concerned about the precedent created by this proposed settlement. If it is the court's ruling that Microsoft is in violation of relevant antitrust laws, then it is imperative that the penalty imposed be adequate to address those violations. The proposed settlement does nothing to reduce Microsoft's monopoly power in any way. Furthermore, it sends the signal that Microsoft's methods are acceptable - even necessary - for success in the software industry.

Like many others, I am myself uncomfortable with excess government intervention in my industry. However, if government is to have a role, it should be a constructive one. I therefore would like to add my support to several other remedies being proposed by various scholars and industry experts. I feel that these remedies would be more effective at reducing Microsoft's monopoly power, and be easier and simpler to implement, leaving less room for ambiguity. They are:

- 1) De-coupling Microsoft software products from OEM computer hardware products. This would allow other companies to compete with Microsoft for the OEM markets in operating systems and office productivity software.
- 2) Requiring that Microsoft allow other operating systems to have access to the hardware "boot loader" which controls which operating systems a computer may run. Microsoft has used both technical and legal means to shut out various competitors from access to this vital system component, most notably Be, Inc.
- 3) Require Microsoft to publicize full details of all of their APIs, file formats, and network protocols. This would require Microsoft to go back to competing on the technical merits of its products.

In any event, I urge the Department of Justice to reconsider its proposed settlement with Microsoft and replace it with something that is both less ambiguous, more appropriate as a remedy, and more comprehensive in its scope.

Thank you for your time,

Eric Ries  
950 Crane St #1  
Menlo Park, CA 94025